

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

DJT PROPERTIES, LLC, a Michigan limited  
Liability company,

Plaintiff,

v.

CITY OF ROCKFORD, a Michigan municipal  
Corporation, the CITY OF ROCKFORD  
PLANNING COMMISSION, and the CITY  
OF ROCKFORD CITY COUNCIL,

Defendants.

Case No.

HON.

Circuit Court No. 2021-00687-CZ

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**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MICHIGAN**

TO: United States District Court Judges of the Western District of Michigan

NOW COME the defendants through their attorneys Plunkett Cooney, and pursuant  
to 28 U.S.C. § 1441(a) and § 1446, file this Notice of Removal based on the following:

1. On or about , January 21, 2021, there was commenced and is now pending in  
the 17<sup>th</sup> Circuit Court for the County of Kent, State of Michigan, a certain civil action, assigned  
case number 2021-00687-CBB, in which DJT Properties, LLC is the plaintiff and the City of

Rockford, City of Rockford City Council, and City of Planning Commission are the named defendants.

2. The action, as alleged in the Complaint, is a suit brought under the statutes and Constitution of the United States and the statutes and Constitution of the State of Michigan. Specifically, the plaintiff alleges a violation of the Takings Clause of the Fifth and Fourteenth Amendments, a violation of the Equal Protection Clause of the Fourteenth Amendment, Substantive and Procedural Due Process violations, and a violation of the Dormant Commerce Clause of the United States Constitution through 42 U.S.C. § 1983. Plaintiff also asserts Michigan statutory and constitutional claims, and a claim for mandamus.

3. The action filed by plaintiffs is one which the District Courts of the United States would have original jurisdiction under 28 U.S.C. § 1331 as a civil action arising under the Constitution of the United States.

4. This Notice of Removal is timely filed within thirty days after the City Attorney accepted service of the Summons and Complaint on January 28, 2021.

5. Attached to this Notice of Removal is a copy of the Summons and Complaint stating the causes of action and claims for relief by the plaintiffs against the defendants.

6. A written notice of this Notice of Removal has been given to all parties as required by law and a Proof of Service is attached.

7. A written notice of this Notice of Removal has been filed with the Clerk of the Court for the 17<sup>th</sup> Circuit Court for the County of Kent, State of Michigan as required by law.

WHEREFORE, the defendants request they be allowed to affect removal of this matter from the 17<sup>th</sup> Circuit Court for the County of Kent, State of Michigan, to the United States District Court for the Western District of Michigan.

Respectfully submitted,

DATED: February 25, 2021

PLUNKETT COONEY

BY: /s/ Michael S. Bogren  
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